

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: : Chapter 11
:
INDUSTRIAL FOOD TRUCK, LLC :
:
Debtor. : Bankruptcy No.: 20-13275 (AMC)

**OBJECTION TO DEBTOR’S MOTION TO EXTEND TIME TO FILE A PLAN
BY THE UNITED STATES TRUSTEE**

Andrew R. Vara, United States trustee for Region 3 (“United States Trustee”),
by and through the undersigned counsel, hereby submits this Objection to Debtor’s Motion to
extend time to file a Plan of Reorganization.

I. BACKGROUND FACTS AND PROCEDURAL HISTORY

A. Summary of Facts

1. Debtor filed a voluntary Chapter 11, subchapter V Petition on August 7, 2020.
2. Jami Nimeroff was appointed the Sub-V trustee.
3. Section 1189(b) of the Bankruptcy Code provides that the Debtor must file a Plan within 90 days after the Order for Relief. The 90-day period will expire November 6, 2020.
4. Debtor has filed an expedited Motion seeking to extend the time provided under Section 1189(b).
5. Debtor has limited sources of income and is unable to pay its creditors. Indeed, Debtor most recently reported that it is behind two months of rent and is unable to fund current payroll, is administratively insolvent, and does not have the ability to formulate a Plan going forward.

6. After consultation with the undersigned, and trustee Jami Nimeroff, Debtor has now indicated through its counsel that it does not oppose dismissal of its bankruptcy at this time.

II. CONCLUSION:

WHEREFORE, the United States trustee respectfully requests this Court to (1) deny Debtor's Motion to extend the time to file a Plan; and (2) dismiss the instant case on consent of the parties.

Respectfully submitted,

ANDREW R. VARA
UNITED STATES TRUSTEE
For Regions 3 and 9

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